REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested.

Election / Restrictions

The office action alleges that the reply of November 30, 2004 in which claims 1-9 were elected failed to distinctly and specifically point out the supposed errors in the previously instituted restriction requirement. As a result, the election has been treated as an election without traverse.

Reconsideration of the restriction requirement and the determination that the election was made without traverse are respectfully requested. In response to the restriction requirement of October 29, 2004, claim 1 was amended to clarify that the availability of local resources to the remote processor is reduced by the host processor (as opposed to a human). Therefore, claim groupings I-II and I-III can no longer be differentiated on the basis of a possibility of human intervention.

Claim 19 was also amended to clarify that the computer program product is for managing resources among networked processors that include a host processor and a remote processor. As the claims are all directed to managing resources among networked processors that include a host processor and a remote processor, claim groupings III-II do not have separate utility in the restriction sense.

These arguments were previously presented and they comprise distinct and specific arguments identifying the supposed errors in the restriction requirement.

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35 USC 102

Claims 1-9 have been rejected under 35 USC 102(e) as being allegedly anticipated by Blumenau. These rejections are respectfully traversed.

Claim 1 recites collecting accounting information from an accounting manager at each of the networked processors, in which each accounting manager monitors utilization of resources at the networked processor.

Blumenau describes a digital computer that is programmed with a host activity monitoring facility that intercepts data packets transmitted to and from host processors. The data packets are intercepted via loops 43' and 44' and a frequency of packets is measured. With this arrangement, a frequency of packets is determined to and from each host processor from a single source (e.g., the activity monitoring facility). In contrast, claim 1 recites that there is an accounting manager at each of the network processors that monitors utilization of resources at the network processor.

Claim 1 also recites releasing a local resource controlled by the host processor to the remote processor based on the collected accounting information so that the utilization of the local resource is maintained within a pre-determined upper threshold configured by an authorized user.

The office action alleges that a predetermined upper threshold is met by Blumenau providing monitoring of frequencies of the host to balance usage and that the frequencies being a fixed range. The office action also alleges that a dynamic balancing facility of Blumenau reduces the availability of the local resource to the remote processor by the host processor.

However, the frequencies monitored by the central host activity monitoring facility are simply indications of the number of data packets to and from the remote host processors.

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There is no suggestion within Blumenau that there is any upper limit or other threshold that is being monitored with regard to these frequencies. Moreover, Blumenau fails to disclose that the dynamic balancing facility reduces the utilization of the local resource so that the usage is maintained within an upper threshold.

Accordingly, claim 1 and its dependent claims should be allowable.
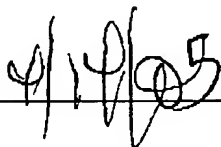

Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.
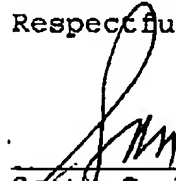
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Applicant asks that all claims be allowed. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: _____

Scott C. Harris
Reg. No. 32,030
Attorney for Intel Corporation

Fish & Richardson P.C.
PTO Customer Number: **20985**
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10475889.doc

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